

**MEMORANDUM**

TO: David Ingraham, Ohio State Board of Embalmers and Funeral Directors

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: October 16, 2018

RE: **CSI Review – Definitions (OAC 4717-1-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package from the Ohio State Board of Embalmers and Funeral Directors (Board) consists of one amended rule submitted for review. The rule package was submitted to the CSI Office on October 1, 2018 and the public comment period ended on October 8, 2018 with no comments received.

Oho Administrative Code (OAC) 4717-1-01 sets forth definitions for the rest of the Chapter. The proposed amendment to the rule would add paragraph (V) defining “abandoned application”. If an individual applies for certification as an apprentice or licensure and fails to complete all application requirements within 90 days of being notified by the Board, the application is considered to be abandoned. If an application is abandoned, the applicant forfeits the application fee, the Board may destroy the application, and the applicant must reapply to be considered for certification or licensure. The proposed rule also adds a section to 4717-1-01(A) to include crematory facilities in the definition of “actually in charge”. Finally, the definition for “Hour of Educational Programs” is being rescinded.

Prior to filing the rule with CSI, the Board contacted all licensed professionals under its jurisdiction, as well as the Cincinnati School of Mortuary Science and the three active

associations which represent funeral service providers in the state. No comments were received during early stakeholder outreach or during the CSI public comment period.

The rule affects all licensed funeral directors, embalmers, funeral home operators, funeral homes, crematories, and embalming facilities in Ohio. The BIA notes that the rule change codifies an internal policy to provide clarification to applicants in the regulated business community. In addition, the BIA indicates that approximately 245 applicants may be affected, including applications that were started and never finished, as well as applications that were submitted with payment and deemed incomplete by Board staff. The BIA justifies the rule as necessary to provide clarity of Board policies to the public and to increase Board efficiency by eliminating old applications from its records.

After reviewing the proposed rule and BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule is justified.

Recommendations

For the reasons explained above this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor, Lt. Governor's Office